

OCT 14 2003

PTOL-413A (12-02)  
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 09/807,093 First Named Applicant: Eddy Daelmans  
 Examiner: Tamra L. Dicus Art Unit: 1774 Status of Application: Pending

**Tentative Participants:**

(1) Tamra L. Dicus, Examiner (2) Cynthia Kelly, Supervisor  
 (3) Andrew J. Heinisch, Attorney (4) \_\_\_\_\_

 **COPY**

Proposed Date of Interview: Any Proposed Time: Any (AM/PM)

**Type of Interview Requested:**

(1)  Telephonic (2)  Personal (3)  Video Conference

**RECEIVED**

Exhibit To Be Shown or Demonstrated: [ ] YES  NO

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If yes, provide brief description: \_\_\_\_\_

TC 1700

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	PLEASE SEE ATTACHED	TWO SHEETS	[ ]	[ ]	[ ]
(2) _____	_____	_____	[ ]	[ ]	[ ]
(3) _____	_____	_____	[ ]	[ ]	[ ]
(4) _____	_____	_____	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

PLEASE SEE ATTACHED TWO SHEETS

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

  
(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

## ATTACHMENT TO APPLICANT INITIATED INTERVIEW REQUEST FORM

Under MPEP § 713 and 37 CFR § 1.333, Applicant respectfully requests a telephonic interview with the Patent Examiner with her supervisor Cynthia Kelly present to discuss and clarify the following issues since Applicant is having difficulty understanding the bases for several rejections issued in the non-final Office Action dated July 15, 2003. Applicant has prepared the following detailed list, which will allow the Patent Examiner to prepare for the interview. The specific issues to be discussed are:

1. What is the rationale for ¶ 6 of the Office Action when "intended to be closed" no longer appears in the claims.
2. What is the rationale for ¶7 of the Office Action when "such as" no longer appears in the claims.
3. What is the supporting legal precedent (naming the specific section of the MPEP and supporting case citation) for ¶8 of the Office Action when MPEP § 2173.05(g) specifically states that "there is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not in and of itself render a claim improper." (emphasis added). Furthermore, the use of "adapted to" has already been decided to be proper in apparatus claims, which was the sole holding of *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1971). Applicant wants to know the Examiner's position as to why this clear case precedent does not apply.
4. What is the rationale for ¶3 of the Office Action, when claim 19 has the same language as claim 9 as originally filed. (claims are part of the specification and provide their own support as expressly provided under MPEP § 608.04).
5. What is the rationale for ¶10 of the Office Action when the translation of the papers was made of record by Applicant on January 6, 2003. At the Examiner's request, Applicant will prove receipt of the translation by the USPTO, as Applicant has a stamped return postcard evidencing receipt of the translation and certification.
6. Where does Ottinger disclose the "mutual contact" between "inner and outer strips of cold seal coating" as claimed in claim 10. Applicant has carefully studied Ottinger and does not see any contact between strips 7, 9 on the roll R as shown in FIG. 1 and explicitly described in Col. 2, ln. 15-17 that was referenced by the Examiner that "[the adhesive] will not adhere readily to a surface which does not bear a like adhesive. This avoids sticking together (blocking) of the convolutions of the roll R."

7. Where does Jones et al. disclose the "mutual contact" between "inner and outer strips of cold seal coating" as claimed in claim 10, when it specifically discloses and teaches the opposite (See FIGS. 1 and 2) that: "interleaving material 3 ... separates the surface 1a of each winding of the web of wrapping material 1 on the reel 2 from the surface 1b of the adjacent winding of the web material, and thus prevents the areas 4,5 to which the cold seal adhesive has been applied from adhering together while on the reel."

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PATENT & TRADEMARKS  
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In re Application of: Eddy Daelmans et al.  
 Application No. 09/807,093  
 Filed: April 9, 2001  
 For: PACKAGING WRAPPER

Mail Stop Non-Fee Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to an office action in the subject application.

- Small entity status is claimed for this application under 37 CFR 1.27.
- Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- Other:
- Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY	OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE		none			\$ 0.00	\$ 0.00	
	subtract time extension fee previously paid	none			(\$ 0.00)	(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDT. CLAIM FEE	RATE
TOTAL	15	MINUS	20	=0	x 9=	\$	x 18= \$0.00
INDEPENDENT	1	MINUS	3	=0	x 43=	\$	x 86= \$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM					+ 145=	\$	+ 290= \$0.00
<b>TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT</b>					<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>

- The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
  - Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
 LEYDIG, VOIT & MAYER, LTD.

By

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